United Nations CEDAW/C/FJI/CO/5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Fiji*

1. The Committee considered the fifth periodic report of Fiji (CEDAW/C/FJI/5) at its 1578th and 1579th meetings (see CEDAW/C/SR.1578 and CEDAW/C/SR.1579), held on 23 February 2018. The Committee's list of issues and questions is contained in CEDAW/C/FJI/Q/5 and the responses of Fiji are contained in CEDAW/C/FJI/Q/5/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its fifth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/FJI/CO/4/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Women, Children and Poverty Alleviation, Mereseini Vuniwaqa, and included representatives of the Ministry of Women, Children and Poverty Alleviation, the Ministry of Education, Heritage and Arts, the Office of the Solicitor General, the Ministry of Health and Medical Services, the Ministry of Foreign Affairs and the Permanent Mission of Fiji to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee notes the progress achieved since the consideration in 2010 of the State party's combined second to fourth periodic reports (CEDAW/C/FJI/2-4) in undertaking legislative reforms, in particular the adoption of the following:

(a) Family Law (Amendment) Decree, in 2012;

(b) Legislation to decriminalize consensual same-sex relationships, in 2010.

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

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5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption of the following:

(a) National gender policy, in February 2014;

(b) Women's plan of action for the period 2010–2019.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities, in 2017;

(b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2016;

(c) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2017.

Sustainable Development Goals

7. The Committee notes with satisfaction the commitment of the State party to implementing the Sustainable Development Goals. The Committee recalls the importance of indicator 5.1.1 and commends the State party on its efforts to implement sustainable development policies and on its commitment to Goal 13 regarding measures to combat climate change.

C. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.

D. Principal areas of concern and recommendations

Ratification of the Optional Protocol

9. The Committee is concerned that the State party has still not ratified the Optional Protocol to the Convention, despite it having accepted recommendations made during the universal periodic review processes in 2010 and 2014 that it should do so.

10. The Committee recommends that the State party ratify the Optional Protocol to the Convention as a matter of priority.

Visibility of the Convention

11. The Committee notes with appreciation that the High Court has applied the Convention in four judgments (see CEDAW/C/FJI/Q/5/Add.1, para. 6). It is concerned, however, that the visibility and awareness of the Convention and the

Committee's concluding observations and general recommendations remain limited among the general public and legal professionals.

12. **The Committee recommends that the State party:**

(a) **Raise awareness of the Convention, in collaboration with the media, with particular emphasis on the concept of substantive equality;**

(b) **Ensure that the Convention forms part of the training of members of the judiciary, lawyers, law enforcement personnel, teaching personnel, social workers, medical personnel and other relevant professional groups.**

Definition of equality and non-discrimination

13. The Committee notes the broad prohibition of discrimination in section 26 (3) of the Constitution, including on the basis of sex, as well as the prohibition under the Employment Relations Act. It is concerned, however, that the State party's legislation includes neither a definition of discrimination against women, in line with articles 1 and 2 of the Convention, nor comprehensive legislation on gender equality.

14. **The Committee draws the attention of the State party to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and recommends that the State party adopt comprehensive anti-discrimination and gender equality legislation that defines discrimination against women, including direct and indirect discrimination in the public and private spheres, in accordance with article 1 of the Convention, and intersecting forms of discrimination. Such legislation should also provide for sanctions and compensation in cases in which the prohibition of discrimination is violated and ensure a legal basis for temporary special measures.**

Access to justice

15. The Committee notes with concern that access to justice for women is significantly hampered in certain respects by:

(a) The legal possibility under the Constitution of limiting guaranteed rights, which is overly broad and results in the arbitrary deprivation of rights;

(b) The constitutional conferment of immunity with regard to human rights violations committed under the interim military regime, which impedes victims' access to justice and reparation and may delay genuine reconciliation within society;

(c) The fact that decisions of the interim military Government cannot be challenged in court.

16. **The Committee recommends that the State party:**

(a) **Repeal provisions under section 6 (5) of the Constitution for limiting guaranteed rights;**

(b) **Comply with international human rights law prohibiting immunity for those responsible for serious human rights violations, bring perpetrators to justice and repeal the legal prohibition on challenging decisions of the interim military Government;**

(c) **Support a culture of dialogue with civil society organizations, fully respecting freedom of expression, association and assembly.**

National machinery for the advancement of women

17. The Committee, while noting with appreciation the progress made under the women's plan of action for the period 2010–2019 and the adoption in 2014 of a national gender policy to implement the plan of action, is nonetheless concerned:

(a) That coordination within the national machinery and with external partners, in particular non-governmental organizations (NGOs) working on women's rights, is extremely poor and inefficient, which weakens the already insufficient gender mainstreaming efforts;

(b) About the extremely limited resources allocated to the Fiji Women's Federation, the weak implementation of the plan of action, the lack of clarity regarding the authority of the machinery and the absence of a framework to monitor and evaluate the implementation of the national gender policy.

18. **The Committee recommends that the State party:**

(a) **Strengthen and clarify the coordination mechanism of the components of the national machinery by defining their mandates and responsibilities in relation to women's rights, monitor and evaluate coordination regularly and significantly increase the human, technical and financial resources allocated to the national machinery;**

(b) **Strengthen accountability mechanisms for achieving gender equality and conduct systematic gender impact assessments in consultation with the national machinery;**

(c) **Allocate the necessary human and financial resources and implement a gender mainstreaming strategy throughout all government agencies.**

National human rights institution

19. The Committee notes with appreciation the important work undertaken by the Human Rights and Anti-Discrimination Commission. It is concerned, however, that the Commission cannot receive complaints regarding the legality of legislation adopted between 2006 and 2013. It is also concerned about the impact of the abrogation of the previous Constitution and the coup of 2006 on women's rights. It further notes with concern that the Commission lacks independence, owing to the rules governing the nomination and dismissal of members.

20. **The Committee recommends that the State party:**

(a) **Bring the Human Rights and Anti-Discrimination Commission fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and modify the rules governing the nomination and dismissal of its members, thereby enabling the Commission to carry out its mandate independently;**

(b) **Vest the Commission with the authority necessary to receive and investigate complaints about alleged violations of human rights, in particular women's rights, including with regard to legislation adopted between 2006 and 2013.**

Non-governmental organizations, women human rights defenders and journalists

21. The Committee, while noting that the State party is cooperating with NGOs in certain fields, remains concerned about:

(a) The requirement for NGOs working on women's rights to register with and apply for permits to the Fiji Women's Federation;

(b) The possibility under the Constitution, the Public Order (Amendment) Decree of 2012 and the Media Industry Development Decree of 2010 of restricting freedom of expression, assembly and association and, moreover, the fact that such restrictions may be intensified under the parliamentary powers and privileges bill of 2016, all of which has an adverse effect on the work of NGOs, women human rights defenders and journalists advocating women's rights and may lead to their being silenced.

22. **The Committee reminds the State party of the important role of civil society, including women's rights organizations, women human rights defenders and the media in promoting the implementation of the Convention. It recommends that the State party:**

(a) **Ease registration requirements for NGOs;**

(b) **Review the Public Order (Amendment) Decree of 2012 and repeal the undue restrictions placed on civil society and the press, thereby ensuring that NGOs, including women's rights organizations, women human rights defenders and journalists can carry out their work effectively.**

Temporary special measures

23. The Committee notes that government ministries administer affirmative action programmes for achieving substantive equality. It also notes, however, that the State party's understanding of the nature and importance of temporary special measures for accelerating the achievement of substantive equality between women and men is limited.

24. **The Committee recommends that the State party assess the impact of affirmative action programmes, including temporary programmes, and consider the use of temporary special measures, in line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures. The Committee recommends that it adopt and implement such measures, including quotas, in all areas in which women are underrepresented or disadvantaged, including in the labour market and political life. It also recommends that the State party raise public awareness about the non-discriminatory nature and importance of temporary special measures for the achievement of substantive equality between women and men.**

Stereotypes

25. The Committee is concerned about the prevalence of deeply rooted discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, which not only adversely affect women in all walks of life and perpetuate their inferior position in the family and society but also constitute a significant breeding ground for gender-based violence against women in the private and the public spheres.

26. **The Committee recommends that the State party adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, in cooperation with civil society organizations, in particular women's groups, community leaders, teachers and the media, in order to facilitate and accelerate the necessary societal change and create an enabling environment that is supportive of gender equality.**

Gender-based violence against women

27. The Committee welcomes the State party's efforts to eradicate gender-based violence against women, including the establishment of a national domestic violence toll-free helpline. It notes with concern, however, that the incidence of gender-based violence in the State party continues to be the highest in the region. It also notes with concern:

(a) The underreporting of gender-based violence against women owing to stigma, social pressure to resort to traditional apology and reconciliation procedures such as *bulubulu* and distrust in the justice system;

(b) The prevalence of hate speech against women in society and the media;

(c) The economic cost of gender-based violence, which has been estimated at 7 per cent of the gross domestic product;

(d) The persistent perception among law enforcement officials that domestic violence is a private matter, as illustrated by the fact that women who are victims of gender-based violence are referred to the Family Court; the intimidation of victims by the police; reluctance to adhere to the "no-drop" policy, whereby cases brought to court are pursued even after the customary pardon is given to the perpetrator, or to issue domestic violence restraining orders; and the fact that victims are encouraged, despite the policy of zero tolerance, to resort to traditional apology and reconciliation procedures;

(e) The fact that perpetrators of gender-based violence against women frequently enjoy impunity or receive lenient sentences owing to gender stereotypes among the judiciary, such as the notion of the man as "sole breadwinner", and factors such as when the offence is the perpetrator's first, resulting in sentence reduction;

(f) Discriminatory attitudes on the part of health personnel, the frequent incapacity to respond to the health needs of victims of gender-based violence and the particularly limited access to emergency contraception and post-exposure prophylaxis for victims of rape;

(g) The limited availability of support services, including adequate shelters, for women who are victims of gender-based violence;

(h) The increase in gender-based violence during disasters and in post-disaster situations.

28. **Taking into account its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recalling target 5.2 of the Sustainable Development Goals, on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party strengthen its efforts to combat gender-based violence against women and its underlying causes and that it:**

(a) Conduct awareness-raising programmes in collaboration with teachers and the media, including social media, to promote understanding of the fact that gender-based violence is a violation of human rights, make women and girls aware of their rights and encourage victims and witnesses to report violence;

(b) Encourage the media to adopt codes of professional ethics that incorporate respect for the principles of non-discrimination and gender equality, as enshrined in the Convention;

(c) Adopt a national action plan for the prevention of gender-based violence;

(d) Strengthen capacity-building for law enforcement personnel to ensure that under no circumstances are victims forced or put under pressure to accept traditional methods of dispute settlement in lieu of criminal proceedings against perpetrators;

(e) Further strengthen training for law enforcement officers on the strict application of criminal law provisions regarding gender-based violence against women, ensure the implementation of the "no-drop" policy and the issuance of domestic violence restraining orders, increase the number of female police officers and set up a mechanism allowing victims who report violence to submit a complaint in the event of harassment, threat or pressure by law enforcement personnel;

(f) Ensure that perpetrators of gender-based violence receive sentences commensurate with the nature of their crimes and that patriarchal perceptions of the roles of men and women or irrelevant criteria, such as when the offence is the perpetrator's first, do not serve as grounds for reducing a sentence;

(g) Train health personnel adequately on the Convention and the rights of women who are victims of gender-based violence and systematically provide victims of rape with emergency contraception and post-exposure prophylaxis;

(h) Establish appropriate services, including properly equipped shelters, medical assistance, psychological counselling and rehabilitation, for women and girls who are victims of gender-based violence and provide adequate support to civil society organizations that supply such services;

(i) Set up a fund to ensure that victims of gender-based violence against women have access to reparation even if the perpetrator is destitute;

(j) Assist women who cannot safely return to their homes to build an independent life, through psychosocial support, vocational training, income-generating opportunities and protection including, if necessary, by changing their identity;

(k) Develop gender-sensitive policies and involve women in disaster preparedness and response planning and delivery.

29. The Committee is gravely concerned about the high incidence of sexual abuse of girls, frequently with impunity, owing to, among other things, the legal definition of consent, which does not fully eliminate the requirement of proof of resistance, and the vague defence in cases of sexual relations with minors between the ages of 13 and 16 years that there was "reasonable cause to believe" that the victim was 16 years of age or older. It is also greatly concerned about cases in which girls who are victims

of rape are forced to marry the perpetrators and about the widely held perception of girls as commodities.

30. **The Committee recommends that the State party:**

(a) **Criminalize statutory rape under all circumstances;**

(b) **Ensure that sexual assault, including rape, is defined on the basis of lack of freely given consent, taking into account coercive circumstances;**

(c) **Ensure that, in cases of sexual abuse of children, the burden of proof regarding exculpating circumstances relating to the victim's age lies with the alleged perpetrator;**

(d) **Enforce the prohibition of child marriage, prohibit all forms of pressure on victims of rape to marry perpetrators and increase efforts to prosecute and punish perpetrators and accomplices in cases of child marriage;**

(e) **Promote a positive image of girls and their potential as active participants in development rather than portraying them as commodities.**

Trafficking and exploitation of prostitution

31. The Committee notes with appreciation the ratification by Fiji in 2017 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the provision of temporary work visas and permits and the creation of a safe house for victims of trafficking during periods of investigation. Nonetheless, it notes with concern:

(a) That victim identification is inefficient, in particular in the case of women in prostitution, foreign workers in spas and vessel crew members who transit through the State party;

(b) The low prosecution and conviction rates in trafficking cases, despite the high number of reported victims.

32. **The Committee recommends that the State party:**

(a) **Strengthen mechanisms to identify, protect and assist victims of trafficking and sexual exploitation and to provide them with legal support;**

(b) **Undertake a study of the parties who benefit from trafficked labour and use structures in the State party that may facilitate trafficking, the number of victims and the factors that render them vulnerable to trafficking, with a view to addressing those factors and structures;**

(c) **Boost training and awareness-raising programmes for border police, immigration and other law enforcement authorities on their role in preventing and combating trafficking in women and girls;**

(d) **Strengthen long-term reintegration measures for the victims of trafficking.**

33. The Committee notes with concern that:

(a) A large number of women are compelled to resort to prostitution owing to unemployment, the failure of fathers to pay child maintenance and poverty among women;

(b) Women in prostitution are stigmatized in society and by health personnel and exposed to violence and ill-treatment by the police;

(c) Girls were sold into prostitution or forced labour in the aftermath of Cyclone Winston in 2016, and the fact that the child prostitution industry is growing.

34. **The Committee recommends that the State party:**

(a) **Review legislation and regulations with a view to decriminalizing women in prostitution;**

(b) **Eliminate all push and pull factors behind prostitution, including by ensuring adequate access to social protection for women who are destitute, ensure that child maintenance obligations are enforced and set up a fund to provide women with child maintenance in cases in which the child's father is destitute;**

(c) **Deliver social and health services to women in prostitution;**

(d) **Carry out educational and awareness-raising campaigns for the general public, in particular men and boys, in order to reduce the demand for prostitution and combat all notions of the subordination of women and their objectification;**

(e) **Allocate sufficient resources for exit programmes for women wishing to leave prostitution, including by providing them with alternative income-generating opportunities, vocational training and financial support for the period of training until they take up a profession;**

(f) **Take immediate measures to free all girls engaged in prostitution or forced labour and provide them with rehabilitation and redress, conduct an inquiry into the push and pull factors behind child prostitution and tackle those factors.**

Participation in political and public life

35. The Committee welcomes the increased representation of women in political life and the fact that the Speaker of Parliament is a woman. It is concerned, however, that the participation of women in political life remains modest and that only two women currently work in the diplomatic service of the State party.

36. **The Committee recommends that the State party:**

(a) **Raise public awareness of the need for the full, free and democratic participation of women, on an equal basis with men, in political and public life in order to implement the human rights of women fully;**

(b) **Strengthen capacity-building in political leadership and campaigning for women candidates for public office;**

(c) **Adopt temporary special measures, including a minimum quota of at least 30 per cent of women candidates on the electoral lists of political parties, and recruit, support financially and train women candidates for public office, in particular at the decision-making level.**

Education

37. The Committee welcomes the high rate of school enrolment for girls in the State party, but notes with concern that:

(a) Access to secondary and tertiary education is limited for many rural girls, owing to poverty;

(b) The school curriculum does not include comprehensive, age-appropriate sexuality education or education on harmful practices and gender-based violence against women and girls, which further exacerbates the high rates of sexual violence and early pregnancy;

(c) Pregnant girls are often forced to drop out of school;

(d) Women and girls are concentrated in traditionally female-dominated fields of study and underrepresented in science and technology;

(e) Several schools have not been rehabilitated since the passage of Cyclone Winston and teaching continues in temporary tents;

(f) Lesbian, bisexual and transgender students are subjected to bullying, including cyberbullying.

38. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party take the legislative and policy action necessary and allocate adequate resources, in order to:**

(a) **Reduce the indirect costs of education and provide children who are destitute with the necessary school materials and women living in poverty with scholarships in order to gain access to tertiary education;**

(b) **Ensure the inclusion in school curricula of mandatory, age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour, focusing on the prevention of early pregnancy and sexually transmitted infections;**

(c) **Provide girls with a safe educational environment free from discrimination and sexual violence and include education on non-violence in the curricula;**

(d) **Ensure that no pressure is placed on pregnant teenage girls to leave school or change courses and establish a reintegration policy for teenage mothers;**

(e) **Eliminate stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, provide girls with career counselling, scholarships and other incentives to orient them to science and technology subjects, including meteorological studies, disaster risk reduction and climate change, and ensure that the teacher-training curriculum addresses stereotypes;**

(f) **Ensure that schools that have been destroyed or affected by disasters are renovated or rebuilt speedily in conformity with disaster resilience standards and provide appropriate hygiene and sanitation facilities;**

(g) **Adopt an anti-bullying policy and introduce adequate awareness-raising measures in educational institutions to prevent all forms of harassment and violence against students, including lesbian, bisexual and transgender students.**

Employment

39. The Committee notes the growing participation of women in the labour force, but is concerned that it remains disproportionately low, in particular among Indo-Fijian women. It also notes with concern that:

(a) The pay gap is the widest in the region;

(b) Women are frequently subject to occupational segregation with concomitant wage differentials, are concentrated in lower-paid jobs, the informal economy or unpaid work and, even within the same industry, the wage differential persists;

(c) Women comprise 90 per cent of workers in the garment industry and receive salaries below the national minimum wage, and the working conditions of women market vendors are extremely difficult;

(d) Girls' progress in education is not translating into labour market opportunities because the private sector largely favours employing men;

(e) Women are not benefiting from promotion opportunities on equal terms with men;

(f) Certain industries are exempt from providing paid maternity leave, there are reports of women being dismissed in the private sector because of pregnancy and there is no paternity leave in the State party.

40. **The Committee recommends that the State party adopt and implement policies, with time-bound targets and indicators, to increase opportunities for women in formal employment, eliminate occupational segregation and achieve substantive equality in the labour market. It also recommends that the State party:**

(a) **Adopt and enforce the principle of equal pay for work of equal value in a new employment relations promulgation and regularly review wages in sectors in which women are concentrated;**

(b) **Improve the working conditions of women market vendors;**

(c) **Adopt temporary special measures to address vertical segregation and ensure that women and men have the same promotion opportunities, including for women who have taken maternity leave and time off to raise their children;**

(d) **Develop national policies to ensure that progress in education for women and girls translates into improved employment prospects;**

(e) **Redouble efforts to enforce the prohibition of dismissal of pregnant women, ensure that women in all industries have a right to paid maternity leave and amend legislation to regulate the provision of maternity leave benefits, whether through compulsory social insurance or a fund to avoid the employer's liability for their payment;**

(f) **Amend legislation to allow for paternity leave.**

Sexual harassment in the workplace

41. The Committee is concerned about sexual harassment and other forms of sexual assault in the workplace and the severe underreporting of such incidents. It also notes with concern that:

(a) A relatively high number of employers do not adhere to the obligation of having a sexual harassment policy;

(b) The Employment Relations Promulgation of 2007 does not apply to members of the armed forces, police or corrections service.

42. **The Committee draws the State party's attention to the fact that sexual harassment not only constitutes an attack on the dignity of women but also has a discriminatory impact, often affecting the victim in terms of wages, promotion or dismissal and creating a hostile work environment, which in turn obstructs the victim's fulfilment of her professional potential. It recommends that the State party:**

(a) **Examine the organizational culture in workplaces in order to address factors that may facilitate sexual harassment and assault;**

(b) **Disseminate information on available reporting procedures widely and ensure that complaints are investigated and perpetrators brought to justice;**

(c) **Conduct regular labour inspections to verify whether sexual harassment policies are in place;**

(d) **Amend the Employment Relations Promulgation of 2007 to ensure that it applies to all employers, including the armed forces, police and corrections service.**

Health

43. The Committee notes with concern that health facilities in the State party are insufficiently equipped and services poorly coordinated. It also notes:

(a) That the confidentiality of female patients is often not respected, that health personnel often seek the husband's consent before providing treatment to a married woman and that a considerable number of women believe that they require their partner's permission to seek access to health services;

(b) The reluctance of many adolescent girls to seek access to reproductive health services because they fear stigma, and the need for parental consent for girls under the age of 18 years to obtain contraceptives, all of which contributes to high rates of early pregnancy and sexually transmitted infections.

44. **The Committee recommends that the State party allocate the resources necessary to increase the availability of good-quality and sustainable health services and ensure that:**

(a) **The confidentiality of patients is fully respected, the public is made aware, with the help of the media, of the right of women to full autonomy regarding access to health services, and health personnel are adequately trained in that regard;**

(b) **Adolescents have confidential access to contraception and related information, and negative stereotypes and discriminatory attitudes regarding their sexuality are eliminated.**

Abortion

45. The Committee notes with concern that, although abortion is legal in the State party if the woman's life or her physical or mental health is in danger, it is still sometimes denied by the health professionals in charge of assessing the situation. It

is also concerned that access to abortion in the event of rape depends on the discretion of the doctor, which leads women and girls to resort to unsafe abortions.

46. **The Committee recalls its statement on sexual and reproductive health and rights, adopted at its fifty-seventh session, and reminds the State party that unsafe abortion is a leading cause of maternal mortality and morbidity. It recommends that the State party also legalize abortion in cases of rape, incest or severe fetal impairment, decriminalize it in all other cases and ensure access to safe abortion and post-abortion care.**

Economic empowerment and economic and social benefits

47. The Committee notes with concern that women are frequently excluded from access to financial assets or bank accounts and that the early age of retirement may increase women's risk of old-age poverty, given that leave from work to raise children may prevent them from accumulating sufficient pension benefits.

48. **The Committee recommends that the State party:**

(a) **Ensure that women are informed about their equal rights of access to financial credit, assets and bank accounts;**

(b) **Set up a public fund to pay pension contributions for women while they take leave to raise their children;**

(c) **Revise the current age of retirement for women to allow for accrued pension benefits.**

Rural women and poverty

49. The Committee notes with appreciation the steps taken to improve the condition of rural women, including the building resources in democracy, governance and elections (BRIDGE) initiative and leadership training to develop rural women's leadership skills. The Committee notes with concern, however, that:

(a) Women, in particular those living in rural areas and in squatter settlements in urban areas, are exposed to high levels of poverty, gender-based violence and harassment and have limited access to food, water, sanitation and electricity;

(b) Rural women bear an unequal burden of family responsibilities and traditional attitudes compel them to perform unpaid work and to provide food for their families, a situation made worse by the intensification of natural disasters and climate change affecting the agricultural sector and damaging crops;

(c) Owing to traditional attitudes, men have priority in terms of access to food;

(d) Women market vendors are exposed to violence, harassment and theft;

(e) Customs make women dependent on men throughout their lives, whether on their fathers, their husbands or, if they become widows, the male members of their father's family;

(f) Article 28 of the Constitution, under which Indo-Fijians are allowed only to lease land, is a violation of the guarantee of equal treatment and places rural Indo-Fijian women in a particularly vulnerable situation;

(g) Land grabbing by foreign investors contributes to increased poverty among rural women, who are often unable to participate in the related decision-making processes;

(h) Women living in squatter settlements are severely affected by poor housing and living conditions, the lack of legal ownership and infrastructure, and poor sanitation, which leads to health problems.

50. **The Committee refers to its general recommendation No. 34 (2016) on the rights of rural women and recommends that the State party:**

(a) **Ensure that destitute rural women have full access to social benefits and non-contributory social protection so that they may lead a dignified life, and improve the availability to them of microfinance and microcredit at low interest rates to enable them to engage in income-generating activities and start businesses, with a particular emphasis on empowering rural women so that they are not dependent on male family members throughout their lives;**

(b) **Raise awareness of the low value ascribed to the work of rural women and how that is reflected in their low status in society, foster the equal sharing of family and household responsibilities between rural women and men and promote ending the prioritization of men in terms of access to food;**

(c) **Take into account the greater vulnerability of rural women in the face of natural disasters and climate change when drafting disaster risk reduction and climate change policies;**

(d) **Amend legislation to ensure that all rural women have equal access with men to land ownership;**

(e) **Protect rural women from land grabbing and ensure that their prior informed consent and adequate benefit-sharing arrangements are required in any decisions regarding agreements on the lease or sale of land;**

(f) **Address the needs of women in squatter settlements by developing the required infrastructure and sanitation and ensure legal ownership or recognition of legal leases for their homes.**

Lesbian, bisexual and transgender women

51. The Committee notes that consensual same-sex relationships have been decriminalized and that discrimination on the basis of sexual orientation or gender identity is prohibited under section 26.3 (a) of the Constitution. It is concerned, however, about the ongoing hostility in society towards lesbian, bisexual and transgender women, manifested by discrimination, violence and hate crimes and speech, and within the family, where it is illustrated by, among other things, disinheritance. It is also concerned about the fact that it is impossible to record changes in gender on birth certificates.

52. **The Committee recommends that the State party:**

(a) **Make the necessary legislative changes and implement a policy to eliminate discrimination, hate speech and violence against lesbian, bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to address stigma within society;**

(b) **Allow changes in gender to be recorded on birth certificates.**

Gender dimension of climate change and disaster risk reduction

53. The Committee notes with appreciation the leading role that the State party has played in international climate change negotiations and the fact that it currently holds the presidency of the Conference of the Parties to the United Nations Framework Convention on Climate Change. The Committee has observed, however, that at the national level women are largely excluded from the process of drafting and implementing policies and action plans on climate change and disaster risk reduction, even though they are, on the one hand, disproportionately affected by climate change and, on the other, the best agent for change in their communities. The Committee is, therefore, concerned about:

(a) An increase of women's engagement in unpaid work, such as carrying a particularly high care burden by being in charge of finding resources to sustain their family;

(b) The even greater than usual risk of gender-based violence to which women are exposed during and in the aftermath of disasters;

(c) The failure of disaster relief measures to take sufficiently into account the needs of women, resulting in inadequate safeguards to protect them from the sharp rise in sexual violence in times of displacement;

(d) The contribution of private sector actors, in particular fossil fuel companies operating in the country, to greenhouse gas emissions.

54. **The Committee recommends that the State party ensure that women participate in the drafting of plans and strategies for disaster preparedness and that it:**

(a) **Set up public funds to support families in the wake of disasters and create a system for the immediate supply of basic necessities, including water and sanitation, food and urgently needed medication, in case of emergency;**

(b) **Ensure that disaster preparedness plans include provision for setting up women-only shelters, where women can report cases of gender-based violence and obtain access to redress and rehabilitation;**

(c) **Take the measures necessary to ensure that private sector actors remedy the impact of their operations on affected groups, in particular women;**

(d) **Strengthen gender analysis and mainstream the concerns and rights of women by having them participate in the discussions and decisions on comprehensive measures for adaptation and mitigation in their communities.**

Women belonging to ethnic and religious minority groups and indigenous women

55. The Committee notes with concern that women belonging to ethnic and religious minority groups and indigenous women in the State party are exposed to significant rates of intersecting discrimination.

56. **The Committee recommends that the State party redouble efforts and adopt the legislation, temporary special measures and awareness-raising measures necessary to combat intersecting forms of discrimination against women.**

Women with disabilities

57. The Committee is concerned about the high rates of discrimination against women with disabilities in the State party.

58. **The Committee recommends that the State party promote a positive image of women and girls with disabilities and ensure that they have effective access to justice, political participation, education, employment and health care, including sexual and reproductive health-care services.**

Marriage and family relations

59. The Committee is concerned that no official assessment has been made of the impact of the Family Law Act since its enactment and about the lack of information on measures taken to familiarize the public with the amendments of 2009 to the Marriage Act, under which the legal marriageable age was raised to 18 years for women and men. It is further concerned that shortcomings in the workings of the Family Court, including delays in ordering maintenance payments and settling property disputes, are often forcing women to reconcile with their partners and thereby depriving them of adequate access to justice. The Committee also notes with concern information that the Court is not widely used by women with problems concerning family law and relations.

60. **The Committee recommends that the State party conduct a full assessment of the implementation of the Family Law Act and the Marriage Act and examine the root causes of the poor functioning of and lack of recourse to the Family Court, with a view to improving its structure and the training of the judiciary and raising awareness of its functions. The State party should, based on the findings, design a strategy to increase the efficiency and use of the Court and set aside adequate resources for it.**

Data collection and analysis

61. The Committee is concerned about the deficiencies in compiling, analysing and processing reliable statistical data on the situation of women in all areas covered by the Convention.

62. **The Committee recommends that the State party set up a centralized system for the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and that it use measurable indicators to assess trends in the situation of women and progress towards the realization of substantive equality in all areas covered by the Convention.**

Amendment to article 20 (1) of the Convention

63. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

64. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

65. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

66. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

Technical assistance

67. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

68. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

69. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a) and 28 (c) and (d) above.

Preparation of the next report

70. The Committee requests the State party to submit its sixth periodic report in March 2022. The report should be submitted on time and, in case of delay, cover the entire period up to the time of its submission.

71. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.